

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APRIL DEBOER, *et al.*,

Plaintiffs,

-vs-

ED Mi #12-civ-10285

Hon. Bernard A. Friedman

RICHARD SNYDER, *et al.*,

Defendants.

STIPULATION TO EXTEND TIME FOR
FILING MOTIONS FOR COSTS AND FEES

Now come the parties, by and through their respective attorneys, and stipulate to the entry of an order extending the time for filing motions for costs and fees for the reasons stated below:

1. This Court granted Plaintiffs' challenge to the Michigan Marriage Amendment in a written order, and judgment, entered on March 21, 2014.
2. State Defendants filed their notice of appeal as to the Court's order on March 21, 2014. Defendant Lisa Brown does not intend to appeal this Court's order.
3. On March 22, 2014, a temporary stay of this Court's order was entered by the Sixth Circuit Court of Appeals.
4. On March 25, 2014, the Sixth Circuit stayed "the district court's order pending final disposition of Michigan's appeal by this Court."

5. The Sixth Circuit is proceeding expeditiously with the instant appeal, having directed the State Defendants to file their brief on appeal on or before May 7, 2014, Plaintiffs to file their responsive brief on or before June 9, 2014, with any reply due within 17 days of the filing of Plaintiffs' brief on appeal.

6. Under FRCP 54(d), a prevailing party must file its motion for attorney fees and costs not later than fourteen days after entry of judgment. The court may, however, extend time to file the motion. FRCP 54(d)(2)(B); see Advisory Committee Notes to 1993 Amendments (noting that the court may permit claims for fees and costs to be filed after resolution of the appeals process).

7. Plaintiffs maintain that as the "prevailing party" they are entitled to costs and fees pursuant to 42 USC §1988.

8. Prudence dictates that this Court wait to consider any motion for fees and costs until a ruling by the Sixth Circuit Court of Appeals as to whether that Court's stay extends to, or continues as to, any motions for costs and fees under 42 USC §1988.

9. Plaintiffs' failure to file their motion for costs and fees within 14 days of the imposition of judgment does not constitute a waiver of costs and fees, and the instant stipulation does not preclude Plaintiffs from requesting a ruling from the Sixth Circuit, prior to the conclusion of the appeal in that Court, as to whether that Court's

stay extends to, or continues as to, any motions for costs and fees under 42 USC §1988.

10. All Defendants reserve the right to oppose the imposition of costs and fees either in the Sixth Circuit or when this matter is finally taken up by this Court.

11. The time limit for filing the motion for costs and fees would be enlarged until thirty days after all appeals are final.

It is so stipulated.

Respectfully submitted,

s/Kristin M. Heyse

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Of Counsel for Plaintiffs-Appellees

Dated: April 1, 2014

CERTIFICATE OF SERVICE

Carole M. Stanyar hereby certifies that a copy of this Stipulation was served on all parties of record per the ECF filing rules on April 1, 2014.

/s/Carole M. Stanyar

Carole M. Stanyar P34830

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ORDER GRANTING STIPULATION TO ENLARGE TIME
FOR FILING MOTION FOR FEES AND COSTS

This Court having considered the parties' stipulation to extend the time for filing any motions for fees and costs pursuant to 42 USC §1988, and being fully advised in the premises,

IT IS HEREBY ORDERED that the stipulation is granted, and that the time for filing any motion for fees and costs shall be enlarged until thirty days after all appeals are final.

IT IS FURTHER ORDERED that this stipulation and order does not preclude Plaintiffs from requesting a ruling from the Sixth Circuit, prior to the conclusion of the appeal in that Court, as to whether that Court's stay extends to, or continues as to, any motions for costs and fees under 42 USC §1988, and it does

not precluded Defendants' right to oppose the imposition of costs and fees either in the Sixth Circuit or when this matter is finally taken up by this Court.

IT IS SO ORDERED.

Dated: April 4, 2014

S/ Bernard A. Friedman

HON. BERNARD A. FRIEDMAN
United States District Judge